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4 MICHAEL BRENT ROTHENBERG, et al.,  
5 Plaintiffs,  
6 v.  
7 FEDERAL DEPOSIT INSURANCE  
8 CORPORATION, et al.,  
9 Defendants.

10 Case No. 23-cv-01603-JST

11 **ORDER VACATING ORDER TO  
12 SHOW CAUSE**

13 Re: ECF No. 60

14 The Court issued an order to show cause on June 9, 2025, directing Plaintiff Michael  
15 Rothenberg to show cause why the Court should not impose monetary sanctions for his failure to  
16 file a response to Defendant FDIC-R's motion to refer this case for a settlement conference and his  
17 failure to appear at the hearing on the motion. ECF No. 60. Mr. Rothenberg filed a response to  
the order to show cause on June 30, 2025. ECF No. 61.

18 Mr. Rothenberg's response explains his failures by stating that although his former  
19 criminal defense lawyer, Hanni Fakhoury,

20 did not formally represent me in this case, he was familiar with the  
21 proceedings and kept me informed of relevant developments in this  
22 matter. After his representation concluded, I no longer had regular  
assistance monitoring the docket or understanding procedural  
deadlines.

23 ECF No. 61 at 1.

24 The excuse is hard to credit. Mr. Rothenberg is an "e-filer," which means that he receives  
25 immediate notification by email of any docket activity in this case. Thus, he does not need the  
26 assistance of a lawyer to "ke[ep] him informed of relevant developments in this matter" because  
27 he automatically receives notification of such developments. Nor does Mr. Rothenberg identify  
any "procedural deadlines" in the Court's prior orders that would have required professional

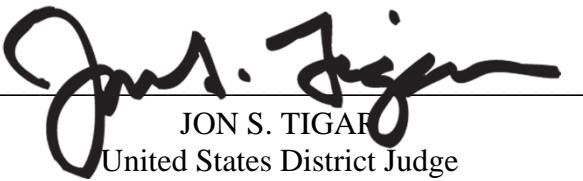
1 assistance to understand.

2 Nonetheless, the Court concludes that the order to show cause made its point. Mr.  
3 Rothenberg states that he “take[s] these matters seriously and [is] committed to participating  
4 responsibly going forward.” The Court hopes and expects that will be the case.

5 The order to show cause is discharged. The case management conference will proceed on  
6 November 4, 2025, as scheduled.

7 **IT IS SO ORDERED.**

8 Dated: July 11, 2025



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10 JON S. TIGAR  
United States District Judge